

Message Text

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ORIGIN EB-11

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DRAFTED BY EB/AN:MHSTYLES:TH

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CAB - MR. CHESEN

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FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: ETRN, CA

SUBJ: CIVAIR - NONSCHEDULED AIR SERVICE AGREEMENT

1. THERE REMAIN SEVERAL DRAFTING QUESTIONS TO RESOLVE FOLLOWING THE AD REFERENDUM INITIALING OF THE US-CANADA NONSCHEDULED AIR SERVICE AGREEMENT BY US AND CANADIAN DELEGATIONS IN OTTAWA ON DECEMBER 14. IN ADDITION, WE OWE DUPUY A RESPONSE TO HIS PLEA TO ACCOMMODATE SASKATCHEWAN INTERESTS SOMEHOW IN THE ROUTE AGREEMENT. ON RETURN OF USDEL TO WASHINGTON OF AFTERNOON 14TH, DUPUY TELEPHONED STYLES TO ASK THAT ALL THESE QUESTIONS BE RESOLVED THIS WEEK SO THAT FORMAL APPROVAL OF CHARTER AGREEMENT MAY BE OBTAINED FROM MINISTERS ASAP. IN MEANTIME, DUPUY SAID THAT GOC WILL WITHHOLD FORMAL ANNOUNCEMENT OF CONCLUSION CHARTER AGREEMENT.(ACTUAL SIGNING OF ROUTE, CHARTER AND PRECLEARANCE AGREEMENTS WILL NOT TAKE PLACE UNTIL LATER, PROBABLY NO EARLIER THAN LATE JANUARY).

2. EMBASSY REQUESTED DELIVER FOLLOWING PAPER ON BEHALF
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OF USDEL TO DUPUY:

THE USDEL IS PREPARED TO AMEND CANADIAN ROUTE D.1 TO READ "REGINA/WINNIPEG-CHICAGO" WITH AN ADDITIONAL FOOT-NOTE TO READ AS FOLLOWS: "EVERY FLIGHT SERVING REGINA ON ROUTE D.1 SHALL ALSO SERVE WINNIPEG UNTIL SUCH TIME AS THE PROVISIONS OF ARTICLE I OF THE AGREEMENT ESTABLISH A BASIS FOR REMOVAL OF THIS REQUIREMENT BY MUTUAL AGREEMENT".

WITH REGARD TO ADDITIONAL LANGUAGE IN THE EXCHANGE OF NOTES RELATED TO THE NONSCHEDULED AIR SERVICE AGREEMENT TO TAKE CARE OF THE ABC/TGC QUESTION, OUR PREFERENCE WOULD BE TO ADD A SENTENCE TO THE LAST PARAGRAPH OF THE CANADIAN NOTE TO READ AS FOLLOWS: "HOWEVER, THE GOVERNMENT OF CANADA WILL REVIEW THE POSSIBILITY OF REMOVING THAT PART OF ITS RESERVATION SET FORTH IN NUMBERED PARAGRAPH 3 ABOVE, IN WHOLE OR IN PART, WITHOUT REGARD TOTERMINATION BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA OF ITS RESERVATION." THE ALTERNATIVE WOULD BE TO HAVE THE CANADIAN NOTE AS IS AND ADD THE FOLLOWING SENTENCE TO THE US RESPONSE NOTE: "I WOULD APPRECIATE RECEIVING CONFIRMATION, HOWEVER, THAT THE GOVERNMENT OF CANADA WILL REVIEW THE POSSIBILITY OF REMOVING THAT PART OF ITS RESERVATION SET FORTH IN NUMBERED PARAGRAPH 3 OF YOUR NOTE, IN WHOLE OR IN PART, WITHOUT REGARD TO TERMINATION BY GOVERNMENT OF THE UNITED STATES OF AMERICA OF ITS RESERVATION". THIS WOULD NECESSITATE A FURTHER CANADIAN RESPONSE TO READ: "I HAVE THE HONOUR TO REFER TO YOUR FURTHER NOTE OF THIS DATE AND TO CONFIRM THAT THE GOVERNMENT OF CANADA WILL REVIEW THE POSSIBILITY OF REMOVING THAT PART OF ITS RESERVATION SET FORTH IN NUMBERED PARAGRAPH 3 OF MY FIRST NOTE, IN WHOLE OR IN PART, WITHOUT REGARD TO TERMINATION BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA OF ITS RESERVATION". SINCE THE LATTER ALTERNATIVE WOULD RESULT IN A TOTAL OF FOUR NOTES, THE FIRST ALTERNATIVE IS PREFERRABLE.

WE WILL RESPOND ON OTHER MATTERS AS SOON AS POSSIBLE. RUSH

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